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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,204	12/01/2003	Hirohisa Miyazawa	029267.52984US	9847

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EXAMINER

ARTHUR JEANGLAUDE, GERTRUDE

ART UNIT PAPER NUMBER

3661

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/724,204

Applicant(s)

MIYAZAWA ET AL.

Examiner

Gertrude Arthur-Jeanglaude

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 is/are allowed.
- 6) ☒ Claim(s) 1,5 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/14/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kapolka et al. (US Pub 20040138790) in view of Ishikawa (JP 63-223901).

As to claim 1, Kapolka et al. disclose a data access method for accessing data in an on-vehicle information device (See paragraph 0029) having an on-vehicle memory unit (316, see paragraph 0051, 0071) that allows data stored therein to be read out (See paragraph 0068), comprising supplying power (320; see paragraph 0051)) to the on-vehicle information device from the external apparatus when a power switch at the on-vehicle information device is in an OFF state (See paragraph 0072), and reading out the data in the on-vehicle memory unit, Kapolka et al. fail to specifically disclose overwritten by an external apparatus and an on-vehicle control unit that executes a data read and a data overwrite by controlling the on-vehicle memory unit, and overwriting the data through control implemented by the external apparatus. In an analogous art, Ishikawa discloses a storage element which can execute write and an erasion of the program and a means for changing the program by a data transfer from the outside (See abstract; considered as read and overwrite the data by an external apparatus). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the

system of Kapolka et al. with that of Ishikawa by overwriting the data by an external apparatus in order to provide a specification change.

As to claim 5, Ishikawa et al. disclose that the information device is connected with the external apparatus via a mounting slot for a portable external storage device (See Fig. 3B).

***Allowable Subject Matter***

Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to disclose the limitations as set forth in claim 2 as follow: controlling the on-vehicle memory unit by the on-vehicle control unit until a data read or a data overwrite is started by the external apparatus when the power switch of the on-vehicle information device is in an on state, and controlling the on-vehicle memory unit to read out and overwrite the data through control implemented by the external apparatus one the data read or the data overwrite is started by the external apparatus.

Claim 6 is allowed.

The prior art fails to disclose a data access system comprising an external interface unit that converts a control signal input and output between the external memory unit and the on-vehicle control unit and between the on-vehicle memory unit and the on-vehicle control unit, wherein: the information device further includes a selector switch that selects the on-vehicle control unit and the on-vehicle interface unit to be connected with the on-vehicle memory unit until the data access apparatus

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outputs a changeover command and allows the external control unit and the external interface unit to be connected with the on-vehicle memory unit after the changeover command is output.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Joao (U.S. Patent No. 6,542,077) discloses monitoring apparatus for a vehicle and/or a premises.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is (571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GAJ

*GAJ*

November 15, 2005

*Gertrude A. Jeanglaude*  
GERTRUDE A. JEANGLAUE  
PRIMARY EXAMINER